

12. 19-12

Box M



December 18, 2012

LOTT & FISCHER

INTELLECTUAL PROPERTY

Reply to Ury Fischer
Ufischer@lfiplaw.com

Mail Stop Petitions
Commissioner of Patents
P.O. Box 1450
Alexandria VA 22313-1450

Via Express Mail
No. EM 693239565 US

Adjustment date: 01/10/2013 GARIAS
11/05/2012 DALLEN 00000003 5927987
01 FC:1599 -4005.00 OP

Re: U.S. Patent No. 5,927,987 for
INTERACTIVE MODULAR EDUCATIONAL SYSTEM
Application No. 09/002,155; Filed on December 31, 1997
Issued on July 27, 1999
Our File No. 13023-8-0010

Dear Sirs,

This is a request for reconsideration of the decision dismissing Patentee's petition to accept the unintentionally delayed payment of the third maintenance fee in the above-captioned patent. As the decision notes, Patentee filed the petition with the correct surcharge fee, however, the maintenance fee submitted by Patentee was \$2,365.00 instead of the \$2,405.00 fee due. The maintenance fee submitted by Patentee was the amount due prior to the October 5, 2012 increase in fees. Patentee hereby encloses the additional \$40.00 fee due and the \$400.00 Reconsideration Petition Fee and respectfully requests that the office reconsider its decision and grant Patentee's petition.

Sincerely,

LOTT & FISCHER, PL

By: Ury Fischer
Attorney of record
USPTO Reg. No. 46,167

01/10/2013 GARIAS 00000001 5927987

01 FC:2553 2405.00 OP
02 FC:1558 1640.00 OP

12/20/2012 DALLEN 00000010 5927987

01 FC:1599 40.00 OP
02 FC:1462 400.00 OP

INTELLECTUAL PROPERTY LAW:

PATENTS • TRADEMARKS • COPYRIGHTS
THE INTERNET • ENTERTAINMENT LAW
TRANSACTIONAL & LITIGATION MATTERS
DOMESTIC & INTERNATIONAL REPRESENTATION

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WWW.LOTTFISCHER.COM

Adjustment date: 01/10/2013 GARIAS
12/20/2012 DALLEN 00000010 5927987
01 FC:1599 -40.00 OP

10-26-12

PTO/SB/66 (03-09)

Approved for use through 03/31/2012. OMB 0651-0016
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF
MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378 (c))**

Docket Number (Optional)

13023-8-0010

Mail to: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Fax: (571) 273-8300

11/05/2012 DALLEN
01 FC:1599

00000003 5927987

4885.00 0P

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

Patent No. 5,927,987Application Number 09/002,155Issue Date July 27, 1999Filing Date December 31, 1997

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

Also complete the following information, if applicable

The above – identified patent

☐

Is a reissue of original Patent No. _____ original issue date _____

original application number _____

original filing date _____

☐

resulted from the entry into the U.S. under 35 U.S.C. 371 of international application _____

filed on _____

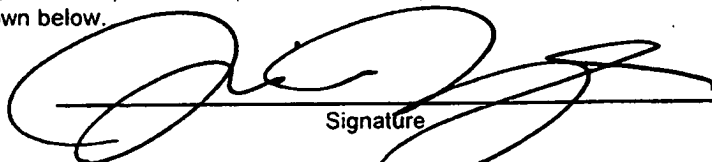
2012 NOV - 1 AM 8:39

CERTIFICATE OF MAILING (37 CFR 1.89(a))

I hereby certify that this paper (*along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class main in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

10/25/2012

Date


Signature

JAVIER ZAMBRANO

Typed or Printed Name of Person Signing Certificate

[page 1 of 3]

This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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1. SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

NOT Small Entity			Small Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)
<input type="checkbox"/> \$ _____	3 ½ yr fee	(1551)	<input type="checkbox"/> \$ _____	3 ½ yr fee	(2551)
<input type="checkbox"/> \$ _____	7 ½ yr fee	(1552)	<input type="checkbox"/> \$ _____	7 ½ yr fee	(2552)
<input type="checkbox"/> \$ _____	11 ½ yr fee	(1553)	<input checked="" type="checkbox"/> \$ 2,365.00	11 ½ yr fee	(2553)

MAINTENANCE FEE BEING SUBMITTED \$ 2,365.00

4. SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) of \$ 1,640.00 (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of a maintenance fee.

SURCHARGE FEE BEING SUBMITTED \$ 1,640.00

5. MANNER OF PAYMENT

☒ Enclosed is a check for the sum of \$ 4,005.00

☐ Please charge Deposit Account No. _____ the sum of \$ _____

☐ Payment by credit card. Form PTO-2038 is attached.

6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

☐ The Director is hereby authorized to charge any maintenance fee, surcharge or petition deficiency to Deposit Account No. _____

2012 NOV - 1 AM 8:30

7. OVERPAYMENT

As to any overpayment made please

OR

☐

Credit to Deposit Account No. _____

☐

Send refund check

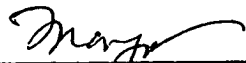
WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

8. STATEMENT

The delay in payment of the maintenance fee to this patent was unintentional.

9. PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED



Signature(s) of Petitioner(s)

10-22-12

Date

Margo Berman

Typed or printed name(s)

305-318-6472 and 305-949-7711

Telephone Number

3351 NE 164th Street, N. Miami Beach, Florida 33160

Address

Address

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

ENCLOSURES

☒

Maintenance Fee Payment

☒

Surcharge under 37 CFR 1.20(i)(2) (fee for filing the maintenance fee petition)

☐